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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1929.

No. 229

DISTRICT OF COLUMBIA, A MUNICIPAL CORPORATION, PETITIONER,

vs.

CHARLES H. FRED, *alias* HAMILTON C. FRED, DEFENDANT.

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA AND BRIEF IN SUPPORT THEREOF

WILLIAM W. BRIDE,
Corporation Counsel,
EDWARD W. THOMAS,
Assistant Corporation Counsel,
Attorneys for Petitioner.

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PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

Comes now the District of Columbia, a municipal corporation, by its Commissioners, Proctor L. Dough-

erty and William B. Ladue, and shows to the Court as follows: On March 3, 1925 (43 Stats. 1119), there was approved an Act of Congress entitled "An Act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes (*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*), That this Act may be cited as the 'District of Columbia Traffic Act 1925' ", and an amendment thereto enacted July 3, 1926 (44 Stats. 812), entitled "An Act to amend the Act known as the 'District of Columbia Traffic Act, 1925' approved March 3, 1925, being Public Numbered 561, Sixty-Eighth Congress, and for other purposes." These Acts specifically repealed, by Section 16 (*a*) thereof all other acts and regulatoins relating to the controlling of vehicles and vehicle traffic in the District of Columbia. In pursuance of the authority of said statutes the District of Columbia, in its proper person, instituted a criminal proceeding against the defendant, by way of an information filed in the police court of the District of Columbia, charging him with operating a motor vehicle in the District of Columbia during the period for which his operator's permit to drive a motor vehicle in the District of Columbia had been revoked and suspended by the Director of Traffic, in violation of Section 13 (*d*) of the Traffic Act for the District of Columbia, which provides as follows:

> "SEC. 13 (*d*). Any individual found guilty of operating a motor vehicle in the District of Co-

lumbia during the period for which his operator's permit is revoked or suspended or for which his right to operate is suspended under this Act shall, for each such offense, be fined not less than $100 nor more than $500, or imprisoned not less than 30 days nor more than one year, or both."

November 8, 1926, defendant, a resident of the District of Columbia, was issued a permit by the Director of Traffic of the District of Columbia to operate a motor vehicle therein. This permit was revoked by the Director of Traffic on December 15, 1926, under the authority of Section 13 (*a*) of the Traffic Act of March 3, 1925. On December 26, 1926, the defendant was personally served with a copy of the said order of revocation, and no application was ever made by him to the Commissioners of the District of Columbia for a review of the said order of revocation, nor by him to the Court of Appeals for a review of the said order of revocation. Subsequently the defendant was arrested (September 3, 1928) while operating a motor vehicle in the District of Columbia after having been in collision with another vehicle, defendant's permit and right to operate a motor vehicle in the District of Columbia not having been restored to him.

After the revocation of his District of Columbia operator's permit by the Director of Traffic, the defendant became a resident of the State of Virginia. On August 6, 1928, said State issued to the defendant a motor vehicle registration card No. 540,221, which authorized defendant to operate a motor vehicle in the

State of Virginia. The defendant had with him at the time of his arrest on September 3, 1928, said registration card and had tags of the State of Virginia on his motor vehicle. Defendant had been operating said motor vehicle in the District of Columbia for about four hours previous to the time of his arrest.

The case was tried before a jury.

After the case was closed by the District of Columbia and the defendant, the following instruction was asked on behalf of the defendant:

> "That upon all the testimony, as a matter of law, the jury should be instructed to return a verdict of not guilty, on the ground that the defendant, Charles H. Fred, alias Hamilton C. Fred, was the operator of a Virginia owned motor vehicle, who had complied with the laws of the State of Virginia in respect to the registration of motor vehicles and the licensing of operators and was exempt from compliance with the District of Columbia law relating to the issuance of operators' permits as set forth in Section 7 and Section 13 (*d*) of the Traffic Act of said District, by reason of the provisions of Section 8, paragraphs (*a*) and (*b*), relating to non-residents, and that in view of the prior decision by the Court of Appeals of the District of Columbia in the case of King *vs.* The District of Columbia, 51 Appeals D. C. 160, rendered January 22, 1922, defendant was within his rights in operating a motor vehicle in the District of Columbia with Virginia tags and registration card."

The court refused the requested instruction, to which refusal the defendant, by his counsel, there and then duly noted an exception.

The court instructed the jury as follows:

> "That if they believed under the evidence that the defendant did at one time have a District of Columbia operator's permit and that permit was revoked and had not been restored to him on the 3rd day of September, 1928, and he was operating a motor vehicle in the District of Columbia on that date, it would be their duty to bring in a verdict of guilty."

To the giving of this instruction defendant, by his counsel, duly noted an exception.

The jury, after retiring to consider the case, returned a verdict of guilty; and sentence was thereupon passed upon the defendant by the court.

The defendant was granted a writ of error by the Court of Appeals of the District of Columbia, and on June 3, 1929, the judgment of the Police Court was reversed upon the authority of King *v.* The District of Columbia, 51 App. D. C. 160. On June 13, after due application made by the District, the Court of Appeals recalled its mandate in the instant case to afford the District of Columbia opportunity to apply to the Supreme Court of the United States for a writ of certiorari.

In the King case the Court of Appeals had under consideration two things, and two things only:

> (1) The following provision from "An Act making appropriations to provide for the ex-

penses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes," approved March 3, 1917 (39 Stat. at L. 1004, 1012):

"On and after December thirty-first, nineteen hundred and seventeen, all licenses, including identification tags and registrations, for motor vehicles heretofore granted shall expire and become null and void, and on and after January first, nineteen hundred and eighteen, there shall be charged annually for the licensing and registration of motor vehicles the following fees, which shall be paid annually to the collector of taxes of the District of Columbia and which shall include registration and the furnishing of an identification number tag—$5 for each vehicle of more than twenty-four horsepower and not exceeding thirty horsepower, $10 for each vehicle of more than thirty horsepower, $3 for each vehicle of twenty-four horsepower or less, and $2 for each motor cycle or similar motor vehicle: * * *: Provided further, that motor vehicles, owned or operated by persons not legal residents of the District of Columbia but who have complied with the laws of the State of their legal residence requiring the registration of motor vehicles or licensing of operators thereof and the display of identification or registration numbers on such vehicles, and which identification numbers shall be displayed on such motor vehicles as provided by the laws and regulations of the District of Columbia while used or operated within the District, shall not be required to be licensed or registered or bear

other identification numbers under the laws and regulations of the District if the State in which the owner or operator of such motor vehicle has his legal residence extends the same privilege to the motor vehicles owned or operated by legal residents of the District of Columbia; * * *."

(2) The following motor-vehicle reciprocity agreement between the District of Columbia and the State of Virginia:

"Anyone legally entitled to operate a motor vehicle in the State of Virginia shall be entitled to operate such vehicle in the District of Columbia, without having District of Columbia license tags, and without having a District of Columbia driver's permit, so long as the Virginia authorities permit residents of the District of Columbia, legally entitled to operate vehicles there, to operate same within the State of Virginia, without Virginia license tags, and without a Virginia driver's permit. * * * That the State of Virginia, in which the defendant has his legal residence, extends the same privilege to the motor vehicles owned or operated by legal residents of the District of Columbia."

The court construed the above-mentioned provisions of the Act of March 3, 1917, to apply both to the vehicle owned or operated by a non-resident, as well as to the non-resident owner or operator himself. The court found that the District of Columbia had not, in said motor-vehicle reciprocity agreement, excluded residents of the State of Virginia whose District of Columbia operators' permits had been revoked. The court

in its opinion said: "We believe that the agreement between the District and the State expresses correctly the meaning of the statute." The court held that King came squarely within the agreement and had the right, as a resident of the State of Virginia, to operate his motor vehicle in the District notwithstanding the previous revocation of his District operator's permit.

More than three years after the King case was decided by the Court of Appeals, Congress passed an Act entitled "An Act to provide for the regulation of motor vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925 (43 Stats. 1119), which Act was amended by the Act of July 3, 1926 (44 Stats. 812).

Section 8 (*a*) of said Act provides as follows:

> "The owner or operator of any vehicle who is not a legal resident of the District, and who has complied with the laws of any State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof, in respect of the registration of motor vehicles and the licensing of operators thereof, shall, subject to the provisions of this section, be exempt from compliance with section 7 and with any provision of law or regulation requiring the registration of motor vehicles or the display of identification tags in the District. Such exemption shall cover the period immediately following the entrance of such owner or operator into the District equal to the period for which the director has previously found that a similar privilege is extended to legal residents of the District by

such State, Territory, or possession of the United States, or foreign country or political subdivision thereof. The director shall from time to time ascertain such privileges and cause his findings to be promulgated."

Section 8 (*b*) provides as follows:

"Any operator of a motor vehicle who is not a legal resident of the District and who does not have in his immediate possession an operator's permit issued by a State, Territory, or possession of the United States, or foreign country or political subdivision thereof, having motor vehicle reciprocity relations with the District, shall not operate a motor vehicle in the District unless (1) the laws of the State, Territory, or possession of the United States, or foreign country or political subdivision thereof, under which the motor vehicle is registered do not rerequire the issuance of a motor vehicle operator's permit, or (2) he has submitted to examination within 72 hours after entering the District and obtained an operator's permit in accordance with the provisions of section 7 of this Act."

The defendant in the instant case was charged with operating a motor vehicle in the District during the period for which his operator's permit was revoked, in violation of said Section 13 (*d*) of the Traffic Act of March 3, 1925. The Court of Appeals, in its opinion, says:

"• • • It thus appears that the Act of 1925 removed the ambiguity which the Court in the

> King case found to exist in the Act of 1917, and expressly relieved the non-resident owner or operator of a motor vehicle, who has complied with the laws of his State respecting registration and operator's licenses, from either registering his vehicle here or obtaining a local operator's permit, provided only that similar privileges are extended to residents of the District in that State. * * *. The decision in the King case is squarely in point and decisive of the issue here."

The Court of Appeals in its opinion refers to only two sections of the Traffic Act of March 3, 1925, as amended by the Act of July 3, 1926, namely, said Section 8 and Section 13 (*c*). There are more than thirteen sections in said Traffic Act, and it is respectfully submitted that these sections either were not sufficiently stressed before the Court of Appeals or the court departed from or disregarded the elementary principles with respect to the construction of statutes, as laid down in its own decisions and the decisions of the Supreme Court of the United States, that "The intention of the legislature, when properly ascertained, must govern in the construction of every statute. For such purposes the whole statute must be examined. Single sentences and single provisions are not to be selected and construed by themselves, but the whole must be taken together." Pollard *v.* Bailey, 20 Wall. 525, 526. See also Miles Planting Co. *v.* Carlisle, 5 App. D. C. 138, 144; Peck *v.* Jenness, 7 How. 612; Peck *v.* Boisdore's Heirs, 8 How. 113; and Brown *v.* Ducheme, 19 How. 183.

Notwithstanding the express declaration by Congress in Section 13 (*b*) of the Traffic Act of March 3, 1925, that Fred's operator's permit having been revoked by the Director of Traffic, no new permit should be issued to him for at least six months, except in the discretion of the Director; and notwithstanding the further express declaration by Congress in Section 7 (*a*) that if the Director believed that the reissuance of a permit to Fred might prove a menace to public safety, he might refuse the reissuance thereof; and notwithstanding the further express declaration by Congress in Section 13 (*d*) that if Fred was found guilty of operating a motor vehicle in the District during the period for which his operator's permit was revoked he should be punished, for each such offense, by a fine of not less than $100 nor more than $500, or imprisoned not less than thirty days nor more than one year, or both, the Court of Appeals has decided that Congress intended under the provisions of Section 8 of the Act to permit Fred to do the very thing which Congress itself had already expressly declared he should not do, namely, operate a motor vehicle in the District of Columbia during the period for which his operator's permit was revoked, and to escape the very punishment which Congress itself had already provided he should suffer if he was found guilty of operating a motor vehicle in the District during the period for which his operator's permit was revoked.

The Transcript of Record before the Court of Appeals showed that Fred had previously been convicted as follows:

In the year 1922: for driving an automobile while intoxicated (twice);

In the year 1923: for driving an automobile while intoxicated; for speeding; for driving on wrong side of street; for driving with illegal brakes; for making illegal turn in street;

In the year 1925: for speeding; for reckless driving;

In the year 1927: for reckless driving;

In the year 1928: for operating motor vehicle during the period for which his operator's permit was revoked; and for operating while under the influence of liquor.

The effect of the decision of the Court of Appeals is that the citizens of the District of Columbia have absolutely no protection for their own safety or the safety of their property, because no matter what offenses against the traffic laws are committed by individuals holding operators permits issued by the Director, be it reckless driving, leaving the scene of a collision without making identity known, operating while under the influence of intoxicating liquor or drugs, operating a motor vehicle equipped with a smoke screen, etc., it is useless for the Director of Traffic to revoke and seek to take away the right of such individual to operate motor vehicles in the District of Columbia, because the Court of Appeals says that if such individuals, after the revocation of their permits by the Director, adopt the convenient expedient of stepping across the line into the State of Virginia, or any other State, and there registering their motor vehicle and

procuring from said State an operator's permit, they may come back and operate their motor vehicle in the District to their heart's content.

If Fred had continued to reside in the District of Columbia after the revocation of his operator's permit by the Director of Traffic, instead of removing to the State of Virginia, and had operated a motor vehicle in the District during the period for which his operator's permit was revoked, could anyone deny that he would have been amanable to the provisions of Section 13 (*d*) of the Traffic Act or that his conviction thereunder was proper?

After the revocation of his operator's permit by the Director of Traffic Fred had a remedy specially provided by Congress in the Traffic Act. Under Section 13 (*a*) Fred was granted the right of appeal to the Commissioners of the District of Columbia for a review of the order of revocation made by the Director, and in the event the Commissioners sustained the order of the Director it was provided in said section that Fred might apply to the Court of Appeals for a writ of error to review the order of the Director or the decision of the Commissioners. It was also provided in said section that the decision of the Court of Appeals *should be final* and that an application to said court for a writ of error *should not operate as a stay of such order of the Director of the decision of the Commissioners.*

Suppose Fred had appealed to the Commissioners for a review of the order of revocation made by the Director and the Commissioners had sustained the

order of the Director; that thereupon Fred had applied for and been granted a writ of error by the Court of Appeals, and that upon a review that court decided that Fred's operator's permit was properly revoked by the Director.

Following the decision of the Court of Appeals to its logical conclusion, if Fred, within a day or two after he filed with the Commissioners an appeal from the order of the Director, had stepped across the line in the State of Virginia and there registered his motor vehicle and procured from that State a registration card, he would have the right, under said Section 8, to operate a motor vehicle in the District not only during the time his appeal was pending before the Commissioners but also during the time his appeal was pending in the Court of Appeals and even after the Court of Appeals had finally decided that his operator's permit had been properly revoked by the Director. And this, notwithstanding the fact that Congress in said Section 13 (*a*) expressly provides that an application to the Court of Appeals for a writ of error *shall not operate as a stay of such order of the Director or the decision of the Commissioners,* and that *the decision of said court shall be final.*

It is intimated by the Court of Appeals in its decision that the remedy for the above situation is provided by Section 13 (*c*) of the Traffic Act, and that if Fred, while operating a motor vehicle in the District *as a resident of the State of Virginia,* should violate any provision of the Traffic Act requiring revocation or suspension for any period of the operator's permit,

upon his conviction thereof, the Director could suspend for such period if he saw fit the right of Fred to operate in the District under the registration card of the State of Virginia and notify the proper Virginia authorities of such suspension.

The above remedy, however, would be available to the Director only in the event that Fred while operating in the District as a resident of the State of Virginia committed some offense, other than operating during the period for which his District of Columbia operator's permit was revoked, which called for the revocation of suspension of the operator's permit. And furthermore, it would be a useless thing for the Director to suspend the right of Fred to operate in the District under the registration card issued to him by the State of Virginia. It would only be necessary for Fred to step across the line into the State of Maryland and there register his motor vehicle and procure from that State an operator's permit. He would thereupon, under the decision of the Court of Appeals, be the owner or operator of a motor vehicle who is not a legal resident of the District who had complied with the laws of the State of Maryland in respect to the registration of his motor vehicle and the licensing of himself as the operator, and would have the right, under said Section 8 of the Traffic Act, to operate a motor vehicle in the District until such time as he again committed such an offense as calls for the revocation or suspension of the operator's permit. When the Director of Traffic suspended his right to operate in the District as a resident of the State of Maryland he

could move into another State and keep up this mode of procedure indefinitely.

A careful consideration of said Section 13 (*c*) clearly shows that Congress did not intend any such absurd results. This section does not apply to individuals having operators' permits issued by the Director which have been revoked or suspended, but is expressly confined to "Any individual not having an operator's permit issued by the Director but having in his immediate possession an operator's permit issued by any State, Territory, or possession of the United States, or foreign country or political subdivision thereof."

In order to endeavor to ascertain the intent of Congress relative to the right to operate motor vehicles in the District of Columbia, the issuance, revocation and suspension of operators' permits, and of the right to operate, it is necessary to consider the following provisions of the Act entitled "An Act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925, as amended by the Act of July 3, 1926:

In Section 6 (*b*), after authorizing the Director to make reasonable regulations with respect to the issuance and revocation of operators' permits, Congress in Section 7 (*a*) clearly expresses its intention that the Director shall limit the issuance or reissuance of operators' permits to such individuals as are found by him, after examination, to be mentally, morally, and physically qualified to operate motor vehicles in such manner as not to jeopardize the safety of individuals

or property; and Congress specifically provides in this Section:

> "Should the Director believe that the issuance or reissuance of an operator's permit in accordance with the provisions of this Act may prove a menace to public safety, he may, in his discretion, refuse the issuance or reissuance thereof."

In Section 7 (*e*) Congress provides that no individual shall operate a motor vehicle in the District of Columbia, except as provided in Section 8, without first having obtained an operator's permit under the provisions of the Act.

In Section 8 (*a*) Congress provides that the owner or operator of any motor vehicle who is not a legal resident of the District, and who has complied with the laws of any State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof, in respect of the registration of motor vehicles and the licensing of operators thereof, shall subject to the provisions of this section be exempt from compliance with Section 7 of the Act and with any provision of law or regulation requiring the registration of motor vehicles or the display of identification tags in the District.

In said Section 8 (*a*) Congress further provides that such exemption shall cover the period immediately following the entrance of such owner or operator into the District equal to the period for which the Director has previously found that a similar privilege is extended

to legal residents of the District by such State, Territory, or possession of the United States, or foreign country or political subdivision thereof, and that the Director shall from time to time ascertain such privileges and cause his findings to be promulgated.

In Section 8 (*b*) Congress provides that any operator of a motor vehicle who is not a legal resident of the District and does not have in his immediate possession an operator's permit issued by the State, Territory, or possession of the United States, or foreign country or political subdivision thereof, having motor vehicle reciprocity relations with the District, shall not operate a motor vehicle in the District unless (1) the laws of the State, Territory, or possession of the United States, or foreign country or political subdivision thereof, under which the motor vehicle is registered do not require the issuance of a motor vehicle operator's permit, or (2) he has submitted to examination within seventy-two hours after entering the District and obtained an operator's permit in accordance with the provisions of Section 7 of the Act.

In said Section 8 (*b*) Congress further provides that any individual who violates any provisions of this subdivision shall, upon conviction thereof, be fined not less than $5 nor more than $50 or imprisoned not more than 30 days, or both.

In Sections 9 (*c*), 9 (*d*), and 10 (*c*) Congress provides that any individual, resident or non-resident, convicted of a second or subsequent offense of reckless driving, a third or subsequent offense of speeding, or of fleeing from the scene of an accident, or operat-

ing while under the influence of intoxicating liquor or drugs, shall be subject to certain specified penalties; and if such individual has an operator's permit issued by the Director the Clerk of the Police Court shall certify forthwith such convictions to the Director who shall thereupon revoke the operator's permit of such individual.

After thus providing for the mandatory revocation by the Director of the operators' permits of such individuals, Congress, anticipating there would undoubtedly be other instances in which holders of permits issued by the Director would become mentally, morally, and physically unqualified to operate motor vehicles in the District in such manner as not to jeopardize the safety of individuals or property, in Section 13 (*a*) provided that "Except where for any violation of this Act the revocation of the operator's permit is mandatory, the director, or any assistant whom he may designate for the purpose, may, with or without a prior hearing revoke or suspend an operator's permit for any cause which he, or such assistant, may deem sufficient." In these instances Congress provided, in this section, for a review by the Commissioners of the District of Columbia of any order of revocation or suspension made by the Director, or his assistant, and also provided that in the event the Commissioners shall sustain the order of the Director, or his assistant, the individual whose permit shall be denied, suspended, or revoked may apply to the Court of Appeals of the District of Columbia for a writ of error to review the order of the Director, or his assistant, complained of or the

decision of the Commissioners. Congress further provided in this section that the decision of the Court of Appeals shall be final, and that an application to said court for a writ of error *shall not operate as a stay of such order of the Director, or his assistant, or the decision of the Commissioners.*

In Section 13 (*b*) it is provided that in case the operator's permit of any individual is revoked no new permit shall be issued to such individual for at least six months after the revocation except in the discretion of the director.

It is perfectly plain and apparent from a consideration of the above-mentioned section of the Traffic Act that Congress was dealing with two separate and distinct classes of individuals, namely:

(1) Individuals *having operators' permits issued by the Director of Traffic* which were subsequently revoked or suspended by the Director, either because of the violation of some provision of the Act requiring the mandatory revocation thereof or for some cause which the Director, or his assistant, had deemed sufficient; and

(2) Individuals *not having operators' permits issued by the Director,* and who are not legal residents of the District but who have complied with the laws of any State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof, *having motor vehicle reciprocity relations with the District of Columbia* in respect of the registration of motor vehicles and the licensing of operators thereof.

Congress made both residents and non-residents punishable for any violation of the Act.

Congress has specifically provided that upon conviction of any individual of a second or subsequent offense of reckless driving, a third or subsequent offense of speeding, or of fleeing from the scene of an accident, or of operating while under the influence of intoxicating liquor or drugs, the Clerk of the Police Court shall certify forthwith such convictions to the Director, and if such individual is the holder of a permit issued by the Director he shall thereupon revoke such permit.

Congress has provided that except where for any violation of the Act revocation of the operator's permit is mandatory, the Director, or any assistant whom he may designate for the purpose, may revoke any operator's permit for any cause which he, or such assistant, may deem sufficient.

The defendant, Fred, was the holder of a permit issued by the Director of Traffic of the District of Columbia. This permit was subsequently revoked by the Director, under the authority conferred upon him by Congress in the Traffic Act. Congress expressly provided in Section 13 (*b*) that, Fred's permit having been revoked, no new permit should be issued to him for at least six months after such revocation, except in the discretion of the Director. The Director was given power and authority by Congress not only to revoke Fred's operator's permit but, under Section 7 (*a*), to refuse the reissuance thereof if he believed that a reissuance thereof to Fred would prove a menace to public safety.

How then can any serious consideration be given to the contention that Congress in said Section 8 of the Act intended to confer upon Fred the right to operate a motor vehicle in the District during the period for which his operator's permit was revoked, provided that after the revocation of his District operator's permit he adopted the convenient expedient of stepping into the adjoining State of Virginia and there registering his motor vehicle and procuring from that State a registration card authorizing him to operate a motor vehicle in that State?

Such a construction would defeat the very object and policy of Congress and is foreign and abhorrent to the elementary principles of statutory construction as laid down by the Court of Appeals of the District of Columbia and the Supreme Court of the United States in the cases hereinbefore referred to.

If there can possibly be any further room for doubt as to the intention of Congress, as expressed in said Section 8, it is set at rest, we respectfully submit, by a consideration of Sections 13 (*c*) and (*d*) of the Act.

In Section 13 (*c*) Congress provides that any individual *not having an operator's permit issued by the Director* but having in his immediate possession an operator's permit issued by any State, Territory, or possession of the United States, or foreign country or political subdivision thereof, shall, upon conviction of a violation of any provision of this Act requiring the revocation or suspension for any period of the operator's permit, *have his right to operate in the District under the permit of such State, Territory, or posses-*

sion of the United States, or foreign country or political subdivision thereof, suspended for such period as the Director may prescribe, and the proper authority at the place of issuance of the permit shall be notified of such suspension and the reason therefor.

In Section 13 (*d*) it is provided that any individual found guilty of operating a motor vehicle in the District during the period for which his operator's permit is revoked or suspended, *or for which his right to operate is suspended,* shall, for each such offense, be fined not less than $100 nor more than $500, or imprisoned not less than 30 days nor more than one year, or both.

Thus it appears that, having already provided in previous sections of the Act for the *revocation and suspension of permits issued by the Director,* and for the punishment of individuals found guilty of operating motor vehicles in the District *during the period of such revocations,* Congress, in said Section 13 (*c*), takes up the matter of *bona fide* non-residents of the District *not having operators' permits issued by the Director* but having in their immediate possession operators' permits issued by any State, Territory, or possession of the United States, or foreign country or political subdivision thereof. Congress, in effect, says to such *bona fide* non-residents that they may come into the District under the motor vehicle reciprocity relations provided for in Sections 8 (*a*) and 8 (*b*) of the Act, and enjoy the same privileges as are extended in their States, Territories, etc., to legal residents of the District, until such time as they are convicted of any

provision of the Traffic Act requiring the revocation or suspension for any period of the operator's permit. Congress provides that upon conviction of any such *bona fide* non-resident of such offense the right of such non-resident to operate a motor vehicle in the District under the permit of his State, Territory, etc., shall be suspended for such period as the Director may prescribe. In Section 13 (*d*) Congress provides that if any such individual is found guilty of operating a motor vehicle in the District *during the period for which his right to operate under the permit of his State, Territory, etc., is suspended*, he shall, for each such offense, be subject to the penalty therein provided.

Wherefore, it is perfectly apparent that Congress did not intend, under the provisions of Section 8 of the Traffic Act, to confer upon the defendant Fred the right to operate a motor vehicle in the District of Columbia during the period for which his District operator's permit was revoked.

It is therefore respectfully submitted that because the Court of Appeals of the District of Columbia has construed the Traffic Act according to principles of construction directly in the teeth of and contrary to the elementary principles of construction laid down by the Supreme Court of the United States and the Court of Appeals itself in the cases hereinbefore cited, and because as a result of the construction placed upon the Traffic Act by the Court of Appeals there is afforded no real protection for the lives and property of the citizens of the District of Columbia upon its streets,

and in the interest of public policy, this Honorable Court should grant the writ of certiorari herein and hereby applied for.

PROCTOR L. DOUGHERTY,
WILLIAM B. LADUE,
Commissioners of the District of Columbia.

WILLIAM W. BRIDE,
EDWARD W. THOMAS,
Attorneys for Petitioner.

DISTRICT OF COLUMBIA, *ss:*

Proctor L. Dougherty and William B. Ladue being first duly sworn, depose and say that they have read the foregoing petition by them subscribed and know the contents thereof; that the matters and things therein stated upon personal knowledge are true and those stated upon information and belief they believe to be true.

PROCTOR L. DOUGHERTY,
WILLIAM B. LADUE,
Commissioners of the District of Columbia.

Subscribed and sworn to before me this 9th day of July, 1929.

[SEAL.]

Daniel Yarges
[illegible]
Notary Public, D. C.

BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI.

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1. Issue is the scope of the intent of Congress as expressed as a whole in the Traffic Act for the District of Columbia and not by selecting any one section or clause thereof for construction.

Section 8 (*a*) of the Traffic Act approved March 3, 1925 (43 Stats. 1119), provides as follows:

> "The owner or operator of any motor vehicle who is not a legal resident of the District, and who has complied with the laws of any State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof, shall, subject to the provisions of this section, be exempt from compliance with Section 7 and with any provisions of law or regulation requiring the registration of motor vehicles or the display of identification tags in the District. Such exemption shall cover the period immediately following the entrance of such owner or operator into the District equal to the period for which the Director has previously found that a similar privilege is extended to legal residents of the District by such State, Territory, or possession of the United States, or foreign country or political subdivision thereof. The Director from time to time shall ascertain such privileges and cause his findings to be promulgated."

Section 8 (*b*) thereof provides as follows:

> "Any operator of a motor vehicle who is not a legal resident of the District and who does not have in his immediate possession an operator's permit issued by a State, Territory, or possession of the United States, or foreign country or political subdivision thereof, having motor vehicle reciprocity relations with the District, shall not operate a motor vehicle in the District unless (1) the laws of the State, Territory, or possession of the United States, or foreign country or political subdivision thereof, under which the motor vehicle is registered do not require the issuance of a motor vehicle operator's permit, or (2) he has submitted to examination within 72 hours after entering the District and obtained an operator's permit in accordance with the provisions of Section 7 of this Act. Any individual who violates any provision of this subdivision shall, upon conviction thereof, be fined not less than $5 nor more than $50 or imprisoned not less than 30 days, or both."

It has been repeatedly held by this Honorable Court as well as by the Court of Appeals of the District of Columbia that the intention of Congress as expressed in any particular Act can only be disclosed by construing it as a whole, as distinguished from the stressing of any particular word, phrase, clause, or section thereof.

Defendant was convicted in the Police Court of the District of a violation of Section 13 (*d*) of the Traffic Act, which provides as follows:

> "Any individual found guilty of operating a motor vehicle in the District of Columbia during the period for which his operator's permit is revoked or suspended or for which his right to operate is suspended under this Act shall, for each such offense, be fined not less than $100 nor more than $500, or imprisoned not less than 30 days nor more than one year, or both."

What was the intention of Congress as to the operation of motor vehicles in the District of Columbia by residents and non-residents? We cannot arrive at that intention by confining ourselves to a consideration of the above-mentioned sections, but must look to the provisions of the whole law, and to its object and policy.

In Miles Planting Company *v.* Carlisle, 5 App. D. C. 138, 144, it was said:

> "It is an undoubted rule of construction that the special meaning or purpose that might under some circumstances be found to lurk in a single word or part of a sentence must yield to the plain intention disclosed by the whole."

In Peck *v.* Jenness, 7 How. 612, the Supreme Court of the United States said:

> "But it is among the elementary principles with regard to the construction of statutes, that every section, provision, and clause of a statute shall be expounded by a reference to every other; and, if possible, every clause and provision shall avail, and have the effect contemplated by the legislature. One portion of a stat-

ute should not be construed to annul or destroy what has been clearly granted by another. The most general and absolute terms of one section may be qualified and limited by conditions and exceptions contained in another, so that all may stand together."

In Peck *v.* Boisdore's Heirs, 8 How. 113, the Supreme Court of the United States said:

> "In expounding a statute, we must not be guided by a single sentence or member of a sentence, but look to the provisions of the whole law, and to its object and policy."

In Brown *v.* Ducheme, 19 How. 183, the Supreme Court of the United States said:

> "The general words used in the clause of the patent laws granting the exclusive right to the patentee to use the improvement, taken by themselves, and literally construed, without regard to the object in view, would seem to sanction the claim of the plaintiff. But this mode of expounding a statute has never been adopted by any enlightened tribunal—because it is evident that in many cases it would defeat the object which the legislature intended to accomplish. And it is well settled that, in interpreting a statute, the court will not look merely to a particular clause in which general words may be used, but will take in connection with it the whole statute (or statutes on the same subject) and the objects and policy of the law, as indicated by its various provisions, and give to it such a construction as will carry into execution

> the will of the legislature, as thus ascertained, according to its true intent and meaning."

In Pollard *v.* Bailey, 20 Wall. 525, 526, the Supreme Court of the United States said:

> "The intention of the legislature, when properly ascertained, must govern in the construction of every statute. For such purpose the whole statute must be examined. Single sentences and single provisions are not to be selected and construed by themselves, but the whole must be taken together."

Let us now take up and analyze these various sections of the Traffic Act, relative to the right to operate motor vehicles in the District of Columbia, the issuance, revocation, and suspension of operators' permits, and of the right to operate, and the reissuance thereof.

In Section 6 (*b*), after authorizing the Director to make reasonable regulations with respect to the issuance and revocation of operators' permits, Congress in Section 7 (*a*) clearly expresses its intention that the Director shall limit the issuance or reissuance of operators' permits to such individuals as are found by him, after examination, to be mentally, morally, and physically qualified to operate motor vehicles in such manner as not to jeopardize the safety of individuals or property; and Congress specifically provides in this section:

> "Should the Director believe that the issuance or reissuance of an operator's permit in ac-

cordance with the provisions of the Act may prove a menace to public safety, he may, in his discretion, refuse the issuance or reissuance thereof."

In Section 7 (*e*) Congress provides that no individual shall operate a motor vehicle in the District, except as provided in Section 8, without first having obtained an operator's permit under the provisions of the Act.

In Section 8 (*a*) Congress provides that the owner or operator of any motor vehicle who is not a legal resident of the District, and who has complied with the laws of any State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof, in respect of the registration of motor vehicles and the licensing of operators thereof, shall, subject to the provisions of that section, be exempt from compliance with Section 7 of the Act and with any provision of law or regulation requiring the registration of motor vehicles or the display of identification tags in the District.

In said Section 8 (*a*) Congress further provides that such exemption shall cover the period immediately following the entrance of such owner or operator into the District equal to the period for which the Director has previously found that a similar privilege is extended to legal residents of the District by such State, Territory, or possession of the United States, or foreign country or political subdivision thereof, and that the Director shall from time to time ascertain such privileges and cause his findings to be promulgated.

In Section 8 (*b*) Congress provides that any operator of a motor vehicle who is not a legal resident of the District and does not have in his immediate possession an operator's permit issued by a State, Territory, or possession of the United States, or foreign country or political subdivision thereof, *having motor vehicle reciprocity relations with the District,* shall not operate a motor vehicle in the District unless (1) the laws of the State, Territory, or possession of the United States, or foreign country or political subdivision thereof, under which the motor vehicle is registered do not require the issuance of a motor vehicle operator's permit, or (2) he has submitted to examination within seventy-two hours after entering the District and obtained an operator's permit in accordance with the provisions of Section 7 of the Act.

In said Section 8 (*b*) Congress further provides that any individual who violates any provision of this subdivision shall, upon conviction thereof, be fined not less than $5 nor more than $50 or imprisoned not more than 30 days, or both.

In Sections 9 (*c*), 9 (*d*), and 10 (*c*) Congress provides that any individual, resident or non-resident, convicted of a second or subsequent offense of reckless driving, a third or subsequent offense of speeding, or of fleeing from the scene of an accident, or operating while under the influence of intoxicating liquor or drugs, shall be subject to certain specified penalties; and if such individual has an operator's permit issued by the Director, the Clerk of the Police Court shall certify forthwith such convictions to the Director, who

shall thereupon revoke the operator's permit of such individual.

After thus providing for the mandatory revocation by the Director of the operators' permits of such individuals, Congress, anticipating there would undoubtedly be other instances in which holders of operators' permits issued by the Director would become mentally, morally, and physically unqualified to operate motor vehicles in such manner as not to jeopardize the safety of individuals or property, in Section 13 (*a*) provided that "Except where for any violation of this Act the revocation of the operator's permit is mandatory, the Director, or any assistant whom he may designate for the purpose, may, with or without a prior hearing, revoke or suspend an operator's permit for any cause which he, or such assistant, may deem sufficient." In these instances Congress provided in this section for a review by the Commissioners of the District of Columbia of any order of revocation or suspension made by the Director, or his assistant, and also provided that in the event the Commissioners shall sustain the order of the Director, or his assistant, the individual whose permit shall be denied, suspended, or revoked may apply to the Court of Appeals of the District of Columbia for a writ of error to review the order of the Director, or his assistant, complained of, or the decision of the Commissioners. Congress further provided in this section that the decision of the Court of Appeals shall be final, and that an application to said court for a writ of error *shall not operate as a*

stay of such order of the Director, or his assistant, or the decision of the Commissioners.

2. Section 13 (d) is broad enough, and includes non-residents, such as defendant.

It is perfectly plain and apparent from a consideration of the above-mentioned sections of the Traffic Act that Congress was dealing with two separate and distinct classes of individuals, namely:

(1) Individuals *having operators' permits issued by the Director of Traffic,* which permits were subsequently revoked or suspended by the Director, or his assistant, either because of the violation of some provision of the Act requiring the mandatory revocation thereof, or for some cause which the Director, or his assistant, has deemed sufficient; and

(2) Individuals *not having operators' permits issued by the Director* and who are not legal residents of the District but who have complied with the laws of any State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof, *having motor vehicle reciprocity relations with the District of Columbia* in respect of the registration of motor vehicles and the licensing of operators thereof.

Congress has made both residents and non-residents punishable for any violations of the Act.

Congress has specifically provided that upon conviction of any individual of a second or subsequent offense of reckless driving, a third or subsequent offense

of speeding, or of fleeing from the scene of an accident, or of operating while under the influence of intoxicating liquor or drugs, the Clerk of the Police Court shall certify forthwith such convictions to the Director, and if such individual is the holder of a permit issued by the Director, the Director shall thereupon revoke such permit.

Congress has provided that, except where for any violation of the Act revocation of the operator's permit is mandatory, the Director, or any assistant whom he may designate for the purpose, may revoke any operator's permit for any cause which he, or such assistant, may deem sufficient.

The defendant in the instant case was the holder of a permit issued by the Director of Traffic of the District of Columbia. This permit was subsequently revoked by the Director, under the authority conferred upon him by Congress in the Traffic Act. Congress expressly provided in the Act (Section 13 (*b*)) that, the defendant's permit having been revoked, no new permit should be issued to the defendant for at least six months after the revocation, except in the discretion of the Director. The Director has power and authority under the Act, not only to revoke the operator's permit of the defendant, but to refuse the reissuance thereof if he believes that a reissuance thereof to the defendant would prove a menace to public safety.

How then can any serious consideration be given to the contention of the defendant that Congress in Section 8 of the Traffic Act intended to confer upon him the right to operate a motor vehicle in the District of

Columbia during the period for which his operator's permit was revoked, provided that after the revocation of his District of Columbia operator's permit he adopted the convenient expedient of stepping across the line into the State of Maryland and there registering his motor vehicle and having an operator's permit issued to him by that State? Such a construction would defeat the very object and policy of Congress, as expressed in the Traffic Act, and is foreign and abhorrent to the elementary principles of statutory construction as laid down by the Court of Appeals of the District of Columbia and the Supreme Court of the United States in the cases hereinbefore referred to.

If there can possibly be any further room for doubt as to the intention of Congress, it is set at rest, we respectfully submit, by a consideration of Sections 13 (*c*) and 13 (*d*) of the Act.

In Section 13 (*c*) Congress provides that any individual *not having an operator's permit issued by the Director,* but having in his immediate possession an operator's permit issued by any State, Territory, or possession of the United States, or foreign country or political subdivision thereof, shall, upon conviction of a violation of any provision of this Act requiring the revocation or suspension for any period of the operator's permit, *have his right to operate in the District under the permit of such State, Territory, or possession of the United States, or foreign country or political subdivision thereof, suspended for such period as the Director may prescribe,* and the proper authority

at the place of issuance of the permit shall be notified of such suspension and the reason therefor.

In Section 13 (*d*) Congress provides that any individual found guilty of operating a motor vehicle in the District during the period for which his operator's permit is revoked or suspended, *or for which his right to operate is suspended, shall, for each such offense,* be fined not less than $100 nor more than $500, or imprisoned not less than 30 days nor more than one year, or both.

Thus it appears that, having already provided in previous sections of the Act for *the revocation and suspension of permits issued by the Director of Traffic* and for the punishment of individuals found guilty of operating motor vehicles in the District during the period of such revocation or suspension, Congress, in said Section 13 (*c*), takes up the matter of *bona fide* non-residents of the District *not having operators' permits issued by the Director,* but having in their immediate possession operators' permits issued by any State, Territory, or possession of the United States, or foreign country or political subdivision thereof. Congress, in effect, says to such *bona fide* non-residents that they may come into the District of Columbia under the motor vehicle reciprocity relations provided for in Sections 8 (*a*) and 8 (*b*) of the Act, and enjoy the same privileges as are extended in their States, Territories, etc., to legal residents of the District, until such time as they are convicted of any provision of the Traffic Act requiring the revocation or suspension for any period of the operator's permit. Congress provides

that, upon the conviction of any such *bona fide* non-resident of any such offense, the right of such non-resident to operate a motor vehicle in the District under the permit of any State, Territory, etc., shall be suspended for such period as the Director may prescribe. And in Section 13 (*d*) Congress provides that if any such individual is found guilty of operating a motor vehicle in the District *during the period for which his right to operate is suspended* he shall, *for each such offense,* be subject to the penalties therein provided.

Wherefore, it is respectfully submitted, Congress did not intend under the provisions of Sections 8 (*a*) and 8 (*b*) of the Traffic Act to confer any privileges upon the defendant in the instant case.

When the defendant operated his motor in the District during the period for which his operator's permit was suspended he was not a *bona fide* non-resident, *not having an operator's permit issued by the Director* but having in his immediate possession a registration card for his motor vehicle issued by the State of Virginia. He was in the nature of an impostor. After his permit was revoked by the Director he went over into the State of Virginia and applied for and was issued a registration card by that State. Is it not a reasonable inference or presumption that when he applied to the State of Virginia for a registration card for his motor vehicle he withheld from the proper authorities of that State the fact of the revocation of his permit by the Director of Traffic of the District of Columbia, and the reasons therefor? And was not his

failure so to do a continuing wrong in the nature of a cheat? His claim that he was a *bona fide* non-resident of the District and entitled, under said Section 8 of the Traffic Act, to operate a motor vehicle in the District during the period for which his operator's permit was revoked was at all times wrongful, a fraud upon Congress, and a peril to the citizens of the District of Columbia. Right to operate a motor vehicle in the District may not justly or reasonably be rested on a foundation so abhorrent to public policy (Minneapolis, St. P. & S. S. Ry Co. *v.* Rock, United States Supreme Court Reporter, Volume 49, No. 15, 363, decided May 13, 1929).

3. Differentiation of the King case followed by the Court of Appeals, as contrasted with case of present defendant.

In the King case (51 Appeals D. C., 160) the Court of Appeals construed the Act of March 13, 1917, to apply to the vehicle owned or operated by a non-resident, as well as to the non-resident owner or operator himself; and, finding that the Commissioners in their agreement with the State of Virginia had not excluded residents of such State whose District of Columbia operators' permits had been revoked, held that King came squarely within the agreement and had the right to operate his motor vehicle in the District of Columbia notwithstanding the previous revocation by the Commissioners of his District of Columbia operator's permit. The case was reversed and remanded.

King was convicted of operating an automobile in the District of Columbia *without having a permit to do so,* in violation of the *police regulation* made and promulgated by the *Commissioners* under and by virtue of the police powers conferred upon them by Congress in the Acts of January 26, 1887, and February 26, 1892. At that time there was no police regulation or statute which made it an offense to operate a motor vehicle in the District during the period for which the operator's permit was revoked or suspended.

The King case was decided January 3, 1922. More than three years later, or on March 3, 1925, Congress passed an Act entitled "An Act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," which Act was amended by the Act of July 3, 1926. Section 8 of the Traffic Act of March 3, 1925, provided as follows: "The owner or operator of any motor vehicle who is not a legal resident of the District, and who has complied with the laws of any State * * * in respect of the registration of motor vehicles and the licensing of operators, shall, subject to the provisions of this section, be exempt from compliance with Section 7 and with any provision of law or regulation requiring the registration of motor vehicles or the display of identification tags in the District"; and under this section the Director of Traffic is charged with the duty of ascertaining whether a similar privilege is extended to legal residents of the District in such States, and to cause his findings to be promulgated.

Is the same interpretation to be given to said Section 8 of the Traffic Act of March 3, 1925, as was given by the Court of Appeals in the King case to the Act of Congress of March 13, 1917?

In the King case the Court of Appeals said that when the meaning of a statute is doubtful great weight should be given to the construction placed upon it by the department charged with its execution, and that the court believed that the agreement between the District and the State expressed correctly the meaning of the statute, and that the intention of Congress was, therefore, that King should be permitted to operate a motor vehicle in the District notwithstanding the fact that his District of Columbia operator's permit had been revoked.

The section of the Act of March 13, 1917, under consideration by the Court of Appeals in the King case has been repealed by the Traffic Act of March 3, 1925.

In the Traffic Act of March 3, 1925, the Director of Traffic is charged with its execution. No help is given by the Director as to the construction to be placed upon Section 8 as it appears in the Traffic Act, because he has not undertaken, as did the Commissioners in respect of the Act of March 13, 1917, to enter into any agreement with any State whereby any individual who has become a resident of such State after the revocation of his District operator's permit is permitted to operate a motor vehicle in the District during the period for which his District operator's permit is revoked, provided he has complied with the laws of said

State in respect of the registration of the motor vehicle and has obtained an operator's permit from said State. We must, therefore, look to all of the provisions of the Traffic Act of March 3, 1925, to ascertain the intent of Congress as expressed in said Section 8 of said Traffic Act.

Let us transpose the facts of the King case and suppose them to be as follows:

The Director of Traffic, after examination, believing that King, a resident of the District of Columbia, was mentally, morally, and physically qualified to operate a motor vehicle in such manner as not to jeopardize the safety of individuals or property (Section 7 (*a*) of the Traffic Act) issued him an operator's permit for a period of three years from its issuance. Within six months after the issuance of this operator's permit King was convicted in the Police Court of a second or subsequent offense of reckless driving, a third or subsequent offense of speeding, or of fleeing from the scene of an accident, or of operating while under the influence of intoxicating liquor or drugs, in violation of Sections 9 (*c*), 9 (*d*), and 10 (*a*) of the Traffic Act, and was punished by a fine, or jail sentence, or both. The Clerk of the Police Court, as provided by said sections of the Traffic Act, certified such convictions forthwith to the Director of Traffic. The Director of Traffic thereupon, as commanded by Congress in said sections of the Traffic Act, revoked King's operator's permit. King, within a week after the revocation of his District operator's permit, moved to the State of Virginia and complied with the laws of that State

with respect of the registration of his motor vehicle. Within a month after he so registered his car in Virginia, King was arrested while operating a motor vehicle in the District of Columbia. At the time of his arrest his motor vehicle bore Virginia license tags and he had in his possession, and exhibited, a registration card which, under the laws of Virginia, entitled him to operate in that State. King was charged in the Police Court, *not with operating a motor vehicle in the District without first obtaining an operator's permit, in violation of a police regulation,* but, under Section 13 (*d*) of the Traffic Act of March 3, 1925, with operating a motor vehicle in the District *during the period for which his operator's permit was revoked.*

Congress in Section 13 (*b*) of the Traffic Act of March 3, 1925, expressly provided that the operator's permit issued to King by the Director of Traffic having been revoked, *no new permit should be issued to him for at least six months after the revocation, except in the discretion of the Director.* And in Section 7 (*a*) of the Traffic Act of March 3, 1925, Congress expressly provided that should the Director of Traffic believe that the reissuance of a permit to King might prove a menace to public safety, he might, in his discretion, refuse the reissuance of a permit to King.

Congress having thus expressly declared in said Section 13 (*b*) that no new permit should be issued to King for at least six months, except in the discretion of the Director; having further expressly declared in Section 7 (*a*) that if the Director believed the reissuance of a permit to King might prove a men-

ace to public safety, he might refuse the reissuance thereof; and having further expressly declared in Section 13 (*d*) that if King was found guilty of operating a motor vehicle in the District during the period for which his operator's permit was revoked he should be punished, for each such offense, by a fine of not less than $100 nor more than $500, or imprisoned not less than thirty days nor more than one year, or both—could it have been successfully argued that Congress intended by the language of Section 8 of the Traffic Act of March 3, 1925, to permit King to do the very thing which Congress itself had already expressly declared he should not do, namely, operate a motor vehicle in the District during the period for which his operator's permit was revoked, or to escape the very punishment which Congress itself had already provided he should suffer if he was found guilty of operating a motor vehicle in the District during the period for which his operator's permit was revoked? It is respectfully submitted that such an interpretation of said Section 8 of the Traffic Act would do violence to the expressed intention of Congress and would defeat the very object and policy of the Traffic Act of March 3, 1925.

In the case of Croson *v.* District of Columbia, 55 App. D. C., 122, 123, the Court of Appeals had under consideration the same section of the Act of March 3, 1917 (39 Stat. 1004, 1012), passed upon by it in the King case, *supra*. The court in its opinion said:

> "It is even more important, in our view, that the drivers of all vehicles within the District

should satisfy the requirements of the traffic regulations as to their qualifications to operate motor vehicles than that those vehicles should be registered and carry identification tags. The vehicles are dangerous only when driven, and, unless all drivers are to be subject to these reasonable regulations, there can be no real protection to the public. After all, as already intimated, it is a question of congressional intent, which is clear in this case."

Respectfully submitted,

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